

H-3101-1 - ISSUANCE OF LEASES

Examples of Transmittal Letters from Acquiring Agency

Regarding a Private Oil and Gas Lease, with Enclosures

UNIT STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
WAYNE-HOOSIER NATIONAL FOREST
BEDFORD, INDIANA 47421

EASTERN
STATES

REPLY TO: 2820 Leases and Permits

March 25, 1977 17202

SUBJECT: Outstanding Lease - Levi Sole Lease
Booher, Kermit A-2035

TO: Regional Forester, R-9



Enclosed is information on a purchase case in which the United States acquired mineral rights subject to an outstanding lease.

On April 22, 1974, the United States purchased 19.49 acres from Kermit R. Booher and Opal Bertram Booher. Two copies of the Warranty Deed are attached (Exhibit A). The vendors did not reserve any of the minerals or royalty rights. The title insurance states that the United States owns in fee simple the property subject only to an easement to the State of Ohio. Also enclosed are two copies each of two Quit Claim Deeds that were issued prior to the United States acquisition which indicate that all mineral interests were transferred to the Booher (Exhibit B and C). Also attached is a map that shows the land the United States purchased (Exhibit D). The same land that was purchased was leased in 1902 by Levi Sole to W. I. Stewart. Attached are two copies of the lease (Exhibit E). After several assignments the lease was assigned to Williston Oil and Development Corporation on July 3, 1972. Attached are two copies of the assignment (Exhibit F).

Currently the Lease is being operated by Williston Oil and Development Corporation. The oil is being picked up by Main Star Oil Company, P.O. Box 176, Newport, Ohio 45766. Main Star refers to the lease as Levi Sole Farm #2297. They have been holding royalties since late 1975. As of this date they are holding only \$29.96 for the royalty on 21.17 barrels. All of Williston's operations in southeastern Ohio have slowed down in the past year. There is a possibility that some royalty was paid to Mr. Paul Bertram after the United States acquisition. Mr. Bertram was the land owner just prior to the vendor. Exhibit C is the Quit Claim Deed from Bertram to Booher. Mr. Bertram was the last recorded royalty owner.

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Please contact the Bureau of Land Management so that
procedures can begin for the United States to collect the
royalties due on this lease.

George E. Anderson
GEORGE E. ANDERSON
Lands Staff Officer

Enclosures Exhibit A Warrenty Deed Booher to United States
 Exhibit B Quit Claim Deed Yester to Bertram
 Exhibit C Quit Claim Deed Bertram to Booher
 Exhibit D Map
 Exhibit E Levi Sole Lease
 Exhibit F Lease Assignment

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WARRANTY DEED

KERMIT R. BOOHER and OPAL BERTRAM BOOHER, husband and wife, of 106 Chippewa Drive, Devola, Marietta, Ohio 45750, for and in consideration of the sum of SEVENTEEN THOUSAND FIVE HUNDRED FORTY-ONE AND TWO/100 DOLLARS (\$17,541.00), paid, grant with general warranty covenants, to the UNITED STATES OF AMERICA, Washington, D. C., and its assigns, the following described land situate in Grandview Township, Washington County, Ohio:

TOWNSHIP ONE NORTH, RANGE FIVE WEST, OHIO RIVER SURVEYSECTIONS TWENTY-SIX AND THIRTY-TWO

Part of the Northwest Quarter of Section 26 and part of the Northeast Quarter of Section 32 commencing at the northeast corner of Section 32, thence with section line N. 37° 00' W. 15.14 chains to iron pipe, thence leaving section line S. 25° 31' E. 24.00 chains to point of beginning of said tract, thence N. 11° 49' E. 2.55 chains to cross on rock ledge, thence S. 65° 41' E. 22.90 chains to low water mark of the Ohio River, thence along low water mark of Ohio River S. 31° 30' W. 12.02 chains, thence leaving low water mark N. 55° 31' W. 12.51 chains, thence N. 25° 31' W. 11.19 chains to point of beginning,

containing 19.49 acres of land, more or less.

SUBJECT TO easements, if any, for established or existing roads, highways, railroads, and utilities.

Prior Instrument Reference: Deed Book 404, page 710; Deed Book 413, page 34; Deed Book 413, page 305.

Kermit R. Booher and Opal Bertram Booher release all rights of dower therein.

The acquiring agency is the Forest Service, Department of Agriculture.

Received for record in the office of the Recorder for Washington County, Ohio, on April 24, 1974, and recorded in Volume 418, page 26.

BOOHER, KERMIT R.
(1556 date posted 12-31-80) A-2035
CMJE Exhibit A

Consideration, Acreage, Description checked--HE
Reservation, Exception, Easement checked--HE

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WITNESS our hands this 22nd day of April, 1974.

In the presence of:

/s/ Donna J. Williamson

/s/ Darlene Kahrig

/s/ Kermit R. Booher

Kermit R. Booher

/s/ Donna J. Williamson

/s/ Jim D. Haas

/s/ Opal Bertram Booher

Opal Bertram Booher

STATE OF OHIO

)

) SS

COUNTY OF Washington

Before me, a Notary Public in and for said County and State, personally appeared the above named KERMIT R. BOOHER and OPAL BERTRAM BOOHER, husband and wife, who acknowledged that they did sign the foregoing instrument, and that the same is their free act and deed. In testimony whereof, I have hereunto subscribed my name at Marietta, Ohio, this 22nd day of April, 1974.

/s/ Darlene Kahrig

SEAL EXPRESSED

Notary Public

(NOTARIAL SEAL)

My commission expires: April 6, 1978

The survey of the described premises was performed by the United States Forest Service.

This instrument was drafted by the Office of the General Counsel, U. S. Department of Agriculture, Milwaukee, Wisconsin.

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UNIT STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
Eastern Region
633 West Wisconsin Avenue, Milwaukee, Wisconsin 53203

2820 Leases and Permits

November 5, 1979

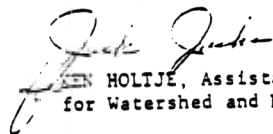
SUBJECT: Expiration of ES-17202, Wayne NF



TO: Mr. Lowell Udy, Director
Eastern States Office
Bureau of Land Management
350 South Pickett Street
Alexandria, Virginia 22304

Enclosed is a self-explanatory letter from Wayne National Forest
in reference to expiration of ES-17202.

However, should you require further information, feel free to
contact our office.


JOHN HOLIJE, Assistant Director
for Watershed and Minerals Mgt.

Enclosure



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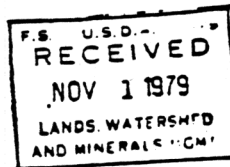
UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
Wayne-Hoosier National Forests
Bedford, Indiana 47421

REPLY TO: 2820 Leases and Permits

October 29, 1979

SUBJECT: Expiration of Outstanding Lease

TO: Regional Forester, R-9



On April 22, 1974 the United States purchased 19.46 acres in Sections 26 and 32, T14N, R31W, QRS. This property is located in Washington County, Ohio and was purchased from Kermit and Opal Bocher.

The vendors did not reserve minerals at the time of conveyance. An outstanding lease did, however, exist. This lease, for oil and gas, was entered into on June 19, 1902 for a period of two (2) years and as long thereafter as oil and gas is produced in paying quantities.

An oil well was producing at the time of purchase. BLM lease number ES 17202 was assigned to this outstanding lease.

It has recently become apparent that this well is no longer producing oil or gas. Several inspections have disclosed no activity. Also, the equipment is badly rusted which further indicates no production.

Mainstar oil, the major collecting company in the area, states they last received oil from this well in December, 1977.

We therefore request you contact USGS to close this outstanding lease due to lack of production as specified in the original lease. In the absence of this lease it would appear that the United States has full title to the minerals.

George E. Anderson
GEORGE E. ANDERSON
Lands Staff Officer

cc: Athens (ATTN: Kerr)
D. Martin
ES 17202

7/6 11-1-79